

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a DENSIFY)  
and CIRBA IP, INC.,

Plaintiffs/Counter-  
Defendants,

v.

VMWARE, INC.,

Defendant/Counter-Plaintiff.

C.A. No. 19-742-LPS

**[PROPOSED] STIPULATION AND ORDER  
REGARDING PRETRIAL SCHEDULE**

WHEREAS, the Stipulation to Amend Scheduling Order (D.I. 298), sets a deadline of December 27, 2019, for the filing of the Joint Proposed Pretrial Order (the “Pretrial Order”);

WHEREAS, the Stipulation to Amend Scheduling Order also sets a deadline of December 30, 2019, for the filing of Pretrial Submissions (*i.e.*, jury instructions, voir dire, and special verdict forms);

WHEREAS, the Scheduling Order (D.I. 174), sets the pretrial conference for January 3, 2020, at 11:00 AM, and trial for January 13-24, 2020;

WHEREAS, the parties have met and conferred regarding interim dates leading up to the deadline for the filing of the Pretrial Order; and

WHEREAS, the parties desire to supplement the Stipulation to Amend Scheduling Order to include interim dates leading up to the deadline for filing the Pretrial Order.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel and subject to the approval of the Court, that the following deadlines in the above-captioned action shall apply:

<b>Event Description</b>	<b>Date<sup>1</sup></b>
<b>Plaintiffs</b> to disclose list of asserted claims	December 6, 2019
<b>Defendant</b> to disclose list of invalidity theories (including prior art references/combinations)	December 8, 2019
<b>Plaintiffs</b> provide: <ul style="list-style-type: none"> <li>- Draft Pretrial Order cover pleading</li> <li>- Draft Statement of Uncontested Facts</li> <li>- Plaintiffs' Statements of Contested Facts, Contested Issues of Law, and Intended Proofs</li> <li>- Witness List (live (may call or will call) or by deposition)</li> </ul>	December 10, 2019
<b>Defendant</b> provides: <ul style="list-style-type: none"> <li>- Witness List (live (will call))</li> </ul>	December 12, 2019
<b>Defendant</b> provides: <ul style="list-style-type: none"> <li>- Revisions to Pretrial Order cover pleading</li> <li>- Revised Statement of Uncontested Facts</li> <li>- Defendant's Statements of Contested Facts, Contested Issues of Law, and Intended Proofs</li> <li>- Witness List (live (may call) or by deposition)</li> <li>- Exhibit List<sup>2</sup></li> </ul> <b>Plaintiffs</b> provide: <ul style="list-style-type: none"> <li>- Exhibit List</li> </ul>	December 14, 2019
<b>Parties</b> provide Deposition Designations <sup>3</sup>	December 16, 2019
<b>Plaintiffs</b> provide: <ul style="list-style-type: none"> <li>- Revisions to Pretrial Order cover pleading</li> <li>- Revised Statement of Uncontested Facts</li> <li>- Revised drafts of Plaintiffs' Contested Facts, Contested Issues of Law, and Intended Proofs</li> </ul>	December 18, 2019

<sup>1</sup> All disclosures, exchanges, or deadlines, unless otherwise indicated are for 6:00 PM Eastern.

<sup>2</sup> All exhibit lists and objections thereto to be served in Excel and PDF format and all proposed exhibits to be served in PDF format.

<sup>3</sup> All deposition designations, counter-designations, counter-counter-designations and objections thereto shall be served in both PDF and Word format.

Event Description	Date <sup>1</sup>
<p><b>Defendant</b> provides:</p> <ul style="list-style-type: none"> <li>- Counter-Designations and objections to Designations</li> <li>- Objections to Exhibit Lists</li> <li>- Objections to Witness List</li> </ul> <p><b>Plaintiffs</b> provide:</p> <ul style="list-style-type: none"> <li>- Counter-Designations and objections to Designations</li> <li>- Objections to Exhibit Lists</li> <li>- Objections to Witness List</li> </ul> <p><b>Parties</b> each disclose issues for motions <i>in limine</i> by 3:00 PM EASTERN</p> <p><b>Parties</b> meet and confer regarding motions <i>in limine</i> issues</p>	December 20, 2019
<p><b>Defendant</b> provides:</p> <ul style="list-style-type: none"> <li>- Revisions to Pretrial Order cover pleading</li> <li>- Revised Statement of Uncontested Facts</li> <li>- Revised drafts of Defendant's Contested Facts, Contested Issues of Law, and Intended Proofs</li> <li>- Counter-Counter-Designations and objections to Counter-Designations</li> </ul> <p><b>Plaintiffs</b> provide:</p> <ul style="list-style-type: none"> <li>- Counter-Counter-Designations and objections to Counter-Designations</li> <li>- Proposed Pretrial Submissions (with relevant citations to legal authority) by 11:59 PM EASTERN</li> </ul>	December 22, 2019
<p><b>Parties:</b></p> <ul style="list-style-type: none"> <li>- Meet and confer regarding outstanding issues concerning the Pretrial Order and potential Daubert motions by 11 AM EASTERN</li> </ul> <p><b>Parties</b> exchange motions <i>in limine</i> (3 pages per MIL)</p>	December 23, 2019
<p><b>Parties</b> file Daubert motions</p>	December 26, 2019
<p>If necessary, final meet-and-confer regarding outstanding issues concerning the Pretrial Order at 1:00 PM Eastern</p>	December 26, 2019
<p><b>Parties</b> exchange motion <i>in limine</i> opposition briefs (3 pages per MIL) at 12:00 noon Eastern</p> <p><b>Parties</b> exchange objections to counter-counter designations by 11:00 AM</p>	December 27, 2019

Event Description	Date <sup>1</sup>
Eastern	
<i>Pretrial Order Due</i> (pursuant to D.I. 298)	<i>December 27, 2019</i>
Defendant provides: - Revised Proposed Pretrial Submissions (with relevant citations to legal authority) by 11:59 PM EASTERN	December 28, 2019
If necessary, final meet-and-confer regarding outstanding issues concerning the Pretrial Submissions	December 30, 2019
<i>File Pretrial Submissions</i> (pursuant to D.I. 298)	<i>December 30, 2019</i>
Parties File Briefs in Opposition to Daubert motions	December 30, 2019
Parties File Reply Briefs on Daubert motions	January 2, 2020, 12:00 p.m. EST
<i>Pretrial Conference at 11:00 AM</i> (pursuant to D.I. 174)	<i>January 3, 2020</i>
<i>Trial begins</i> (pursuant to D.I. 174)	<i>January 13, 2020</i>

MORRIS JAMES LLP

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP/s/ Kenneth L. Dorsney

Kenneth L. Dorsney (No. 3726)  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801  
(302) 888-6800  
kdorsney@morrisjames.com

*Attorneys for Plaintiffs/  
Counter-Defendants*

/s/ Samantha G. Wilson

Anne Shea Gaza (No. 4093)  
Robert M. Vrana (No. 5666)  
Samantha G. Wilson (No. 5816)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-6600  
agaza@ycst.com  
rvrana@ycst.com  
swilson@ycst.com

*Attorneys for Defendant/  
Counter-Plaintiff*

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

---

The Honorable Leonard P. Stark  
Chief, United States District Judge